

SENATE, No. 2204

AN ACT TO REDUCE ASTHMA AND OTHER HEALTH THREATS FROM CLEANING PRODUCTS USED IN SCHOOLS, HOSPITALS AND PUBLIC HOUSING

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 Chapter 111 of the General Laws is hereby amended following section 5R by inserting the
2 following section:

3 Section 5S. (a) Title. This section shall be referred to as “The Healthy Cleaning Products
4 Act”

5 (b) Purpose. The purpose of this section is to reduce asthma and other health threats from
6 emissions of toxic chemicals from cleaning products used in schools, hospitals and other health
7 care facilities, day care centers, public buildings, and public housing.

8 (c) Definitions. For the purposes of this section the following words shall have the following
9 meanings:

10 “Cleaning product”, a product intended for use for routine cleaning of schools, hospitals
11 and other health care facilities, day care centers, and public housing, including general purpose

12 cleaners, bathroom cleaners, glass cleaners, carpet cleaners, disinfectants, floor care products,
13 and hand soaps.

14 “Commissioner”, the commissioner of the department of public health.

15 “Day care center”, any public or private facility operated on a regular basis whether
16 known as a day nursery, nursery school, kindergarten, child play school, progressive school,
17 child development center or preschool, or known under any other name, which receives children
18 not of common parentage who are not more than six years of age, or who are not more than 21
19 years of age if such children have special needs, for nonresidential custody and care during part
20 or all of the day separate from their parents. Day care center shall not include: any part of a
21 public school system; any part of a private, organized educational system, unless the services of
22 such system are primarily limited to kindergarten, nursery or related preschool services;
23 periodic religious instruction classes conducted by a religious institution; a facility operated by a
24 religious organization where children are cared for during short periods of time while persons
25 responsible for such children are attending religious services; a family day care home; an
26 informal cooperative arrangement among neighbors or relatives; or the occasional care of
27 children with or without compensation.

28 “Environmentally preferable purchasing criteria,” means products which are not toxic to
29 humans, and that do not contain any ingredients which are carcinogens or which are known to
30 cause reproductive toxicity, is not corrosive to the skin or eyes, is not a sensitizer, is not
31 combustible, does not contribute to the production of photochemical smog, tropospheric ozone,
32 or poor indoor air quality, is not toxic to aquatic life, does not contain more than 0.5% by
33 weight of total phosphorus, and which does exhibit biodegradability.

34 “Health care facility”, a health care facility as defined in section nine C of chapter one hundred
35 and twelve.

36 “Healthy cleaning product”, a cleaning product which is listed on the Healthy Cleaning
37 Product List established by the Department pursuant to this section.

38 “Hospital”, any hospital licensed under section fifty-one of chapter one hundred and
39 eleven, the teaching hospital of the University of Massachusetts Medical School and any
40 psychiatric facility licensed under section nineteen of chapter nineteen.

41 “Public building” means any building owned, occupied, or used by any public entity
42 including but not limited to the commonwealth and any county, city, town, or school district.

43 “Public housing”, any federal, state or municipally subsidized housing or housing
44 project.

45 “School”, any educational institution including but not limited to any public or private
46 elementary, middle, high school, junior college, college, university, school of medicine, or law
47 school.

48 (d) Product Restrictions. No cleaning product may be used in any school, hospital,
49 health care facility, day care center, public building, or public housing in Massachusetts unless
50 said cleaning product is contained on the list of healthy cleaning products established by the
51 commissioner pursuant to this section.

52 (e) Healthy Cleaning Products List. No later than January 1 each year the commissioner shall
53 prepare and release to the public the healthy cleaning products list. Said list shall include only
54 those cleaning products that:

55 are determined to be an environmentally preferable product by the Massachusetts Operational
56 Services Division pursuant to the environmentally preferable purchasing criteria; and

57 do not contain ingredients that the commissioner has determined as asthma-causing agents
58 (asthmagens);
59 provided however that the commissioner shall establish, in consultation with representatives of
60 hospital administration and staff, a separate list of the safest alternative disinfectants which are
61 applicable only for use in areas of hospitals which require the application of special
62 disinfectants for medical reasons.

63 The commissioner shall annually review the healthy cleaning products list and make changes as
64 necessary to ensure that the safest cleaning products are on the list.

65 (f) Training and Field Testing.

66 The commissioner shall establish a program to require the training of all cleaning personnel in
67 the use and disposal of the products on the healthy cleaning products list in the field, at day care
68 centers, schools, hospitals, health care facilities, public buildings, and public housing with the
69 cooperation of the cleaning personnel who actually use and dispose the products in the course of
70 their employment.

71 For purposes of developing the training program and confirming the safety and effectiveness of
72 products utilized under this program, the Commissioner shall also convene teams of janitorial
73 staff for schools, day care, hospitals, public housing, and all other state buildings, supported by
74 technical experts, property management, representatives of relevant trade unions and other
75 building occupants. Such teams will field test healthy cleaning products and proposed training
76 guidelines and assist the Commissioner in confirming the safety and effectiveness of cleaning
77 products authorized under paragraph (e).

78 Based on the results of these teams, the Commissioner will develop training guidelines for each
79 of the four settings and develop a plan for implementation that ensures training for all janitorial
80 staff.

81 (g) Grant Program. The commissioner shall establish a grant program to train cleaning
82 personnel in the use of healthy cleaning products and to compensate the participating cleaning
83 personnel for their participation in the testing program.

84 (h) Notification Requirement. Manufacturers of cleaning products distributed, sold or offered
85 for sale in the commonwealth shall furnish to the commissioner for public record such
86 information regarding such products as the commissioner may require, in such form as
87 prescribed by the commissioner. For each cleaning product, such information shall include but
88 shall not be limited to:

89 (1) a list naming each ingredient which equals or exceeds five percent of the contents of the
90 product by weight which includes specifying the content by weight of each ingredient to the
91 nearest percent;

92 (2) a list naming each ingredient which does not equal or exceed five percent of the contents of
93 the product by weight; provided, however, that ingredients which are present in trace quantities
94 need not be included on such list unless the commissioner specifically requires the listing of one
95 or more of such ingredients by weight to the nearest percent; and

96 (3) the nature and extent of investigations and research performed by or for the manufacturer
97 concerning the effects on human health and the environment of such product or such
98 ingredients. Ingredients shall be listed using the generic chemical name that conforms with
99 generally accepted rules of chemical nomenclature.

100 Such manufacturers shall furnish such information at such times as may be required by the
101 commissioner. Such information shall be available to the public at the offices of the
102 commissioner with the exception of portions which the manufacturer determines, subject to the
103 approval of the commissioner, would be, if disclosed, seriously prejudicial to the manufacturer's
104 legitimate interest in trade secrets and economics of operation.

105 (i) Accommodation of Chemically Sensitive Individuals. An individual who attends or works in
106 a building regulated by this section who experiences adverse health effects from allergic or
107 hypersensitivity reaction from exposure to the cleaning products in use pursuant to this section
108 may request, and the facility may utilize, other suitable materials as determined by the
109 individual and provided by the facility. The request shall be placed in writing and a copy shall
110 be sent to the Commissioner.

111 (j) Reasonable Fee. The commissioner shall require manufacturers of cleaning products to pay a
112 reasonable fee to cover the costs for the department to collect and review the requested
113 information, to develop and maintain the healthy cleaning products list, and to conduct the field
114 testing program.

115 (k) Penalties. Any facility manager or owner who uses a cleaning product in violation of this act
116 shall be punished by a fine of not less than five hundred dollars nor more than one thousand
117 dollars. Any person who sells, or distributes a cleaning product in violation of this act shall be
118 punished by a fine of not less than one thousand dollars and not more than twenty-five thousand
119 dollars for each twenty-four hour period during which such violation occurs. The department of
120 public health may seize any cleaning product held for sale or distribution in violation of this
121 section. The seized cleansing agents shall be forfeited.

122 SECTION 2. Section 1 shall take effect one year from the date of enactment.

